

PLANNING BOARD MEETING MINUTES

Minutes of the Augusta Planning Board meeting held on September 8, 2015.

Board members present: Corey Vose, Alison Nichols, Justin Poirier, Pete Pare, Heather Pouliot, Steve Dumont, Tom Connors, Bill McKenna

Board members absent: Delaine Nye.

City staff present: Matt Nazar, Lionel Cayer

Guest present: Bill McKenney, Jim Coffin, Ed Goff, Spencer Ouellette, Kevin King, Lee Lowry, Cecil Munsen, Al Hodson, Jeff Damon, Russell Damon

Public Hearing: Minor Development. Application of Hannaford Bros. Co., LLC to construct a Hannaford To Go grocery pick-up lane. Assessor's Map 92, Lot 4. Located at 29 Whitten Road in the Regional Business District (CC).

Matt Nazar gave an overview of the project.

Tom:

-Does Augusta or Maine allow drive through for alcohol?

Applicant, Bill McKenney of Hannaford:

- Existing customers place an order, have it picked and packed, set a time to pick up groceries.
- Yes, you can buy alcohol and tobacco products, with approved identification.
- They are working with the pharmacy about prescription pickup.
- Callbox for order pickup.
- Give employee credit card, they ring it through and bring out your groceries and receipt.

Alison:

-Could you talk to us about the lighting underneath the canopy.

Bill McKenney:

- Halogen 75 watt fixtures. 3 bulbs.
- The bulbs light up the canopy, all light goes to the canopy, so not a true cutoff fixture per definition but meets the intent.

Anyone in favor or against?

Bill McKenney:

- This will be our third store in Maine
- We would like to get started soon with construction. So respectfully, I request approval from the Planning Board this evening. Thank you.

Public Hearing Closed.

(7:10pm) Motion: Alison Nichols: This is concerning the application of Hannaford Brothers Company, LLC for a Minor Development review as per section 4.5 proposing to add a Hannaford To Go pick-up lane. The project is located at 29 Whitten Road in the Regional Business (CC) district and is on Tax Map 92, Lot 4.

Findings of Fact:

1. The applicant submitted the documents necessary to complete the application in a timely fashion.
2. As required per our Land Use Ordinances, the City published notice of this public hearing in the Kennebec Journal.
3. As also required the City mailed notices of this public hearing of the owners of properties located within 500' of this property.
4. The applicant has requested ten waivers as detailed in the Staff review. Since the application is for modifications to their existing building without changing the building footprint, and since the project is within their existing parking lot, and since staff has no concerns with this request, these waivers are granted.

Conclusion of Law.

The application meets the standards as they pertain to 4.4.1 Criteria for Reviewing the Preapplication. The application is able to meet the standards of 6.3.4 Site Plan Criteria Applicable for Conditional Uses, with two small adjustments.

The project presented this evening is able to meet the standards of our land use ordinance with the following conditions:

1. The applicant is proposing a non-cut-off up-lighting fixture under the canopy that will light up the red translucent canopy. Provided that the fixture is halogen and is placed in such a way that under no circumstances will light escape upward beyond the edges of the canopy or will glare be visible from the side and believing this will make the drive-thru more visible and user-friendly during evening hours, this fixture is approved.
2. The lights under the canopy shall be extinguished when Hannaford To Go is closed.

I move to approve the application with the stipulations above.

Second: Justin Poirier

All in favor. Motion passed. 7:0

Public Hearing: Minor Development. Application of Fast Eddies Express Car Wash to construct a car wash and parking. Assessor's Map 21, Lot 3. Located at 208 Western Avenue in the Regional Business District (CC).

Matt Nazar gave an overview of the project.

Alison:

-Is all of the documentation necessary to complete the application not submitted due to the special circumstances on the site?

Matt:

-They have submitted enough for a complete application; need to provide more for conditions of approval.

Alison:

-How will wetland impact affect the City's ability to apply for future MDEP permits?

Justin:

-The veterinary office has a residential apartment in it.

Lionel Cayer, City Engineer:

- Held a recent meeting on the site with Leif Dahlin who is director of Community Services, Charlie McCann, director of Parks and Cemeteries, and George Schott in the process of selling the property to the new owner and some folks from the real estate agency that were involved.
- The fill placed illegally was highly erodible and encroached onto City property. The solution is to remove material on City property, regrade the slope to 2:1, and stabilize it with loam and seed.
- The drainage isn't changing, just improving.
- Little impact on future MDEP permit applications.
- City Council could possibly rescind the traffic restriction for Pet Haven Lane.
- On site circulation makes sense and is a face lift from what is there today.

Jim Coffin, Coffin Engineering and Surveying, Agent for Fast Eddies Car Wash:

- Catchbasin on Western Avenue drains onto City property currently to an unknown location.
- Exiting traffic on Pet Haven Lane improves winter freezing situations in the street.
- OK with regrading the bank.
- Sewer line never had an easement.
- 13 parking spaces required, 17 proposed.
- Bufferyard A will be added.
- Gave water and sewer letters to Matt today.

Ed Goff, Fast Eddied Car Wash:

- Vacuums. Adding insulated shields to reduce sound.
- Dryers in car wash have high ceilings, to help dampen the sound. Can be adjusted.
- Hours of Operation: 7am-7pm. Wintertime/early spring 7am to 9pm.

Alison:

-Concerns about aesthetics of 130 foot wall.

Matt:

-Red stripe on building.

Jim Coffin:

-Bufferyard A.

-The owner would like to move forward as soon as possible.

Public Hearing Closed.

Alison:

-Wall aesthetics discussion.

Matt:

-Vegetation on the City's property will remain for some screening, in addition to Bufferyard A.

(7:49pm) Motion: Alison Nichols: This is concerning the application of Capital City Holdings, LLC for a Minor Development Review as per section 4.5 proposing to construct a new car wash with dedicated pet wash area. The project is located at 208 Western Avenue in the Regional Business (CC) District and is on Tax Map 21, Lot 3.

Findings of Fact:

1. The applicant has submitted all of the documentation necessary to complete this application, but more information is required.
2. As required by our land use ordinances, the city published notice of this public hearing in the KJ.
3. As also required, the city mailed notice of this public hearing to the owners of properties located within 500 feet of this property.

Conclusions of Law: The application meets most of the standards as they pertain to 4.1.1 Criteria for Reviewing the Preapplication. The application meets some of the standards 6.3.4 Site Plan Criteria Applicable for Conditional Uses.

I move to approve the application with the conditions that follow:

Conditions of Final Approval:

The following conditions shall be met before Signature of Approval on the Site Plan. No site or building permit shall be issued until these conditions are met. These conditions shall be met within one year of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within one year, the applicant must come before the Planning Board for review the conditions.

The applicant will:

1. Draw up the necessary modifications to the 1972 agreement with the city to allow both ingress and egress onto Pet Haven Lane to be presented to City Council at the same time as the other necessary elements.
2. Obtain a drainage and maintenance easement from City Council for the drainage proposed to be on city property (Buker Center).
3. Obtain an easement from City Council for the sewer line that crosses city property (Buker Center).
4. Provide evidence that the noise standard in the ordinance (Section 5.1.15.1.E allows 60 decibels at the property line) can be met by all of their equipment.
5. Install full cut off fixtures for all exterior lighting and provide the necessary documentation.
6. To soften the 130' long blank wall on the east side
 - a. Install a Bufferyard A along the eastern boundary of the building.
 - b. The taller trees and shrubs may be placed in the sloped green space behind the building to avoid snow damage.
 - c. The plantings are to be maintained.
 - d. Additional plantings will be placed around the back corner of the building closest to Western Avenue.

This Conditional Approval shall expire within eighteen (18) months of the date of approval by Planning Board, if a permit from the Bureau of Code Enforcement for the site and building work is not issued by that date.

Second: Heather Pouliot

Matt:

- City Council has not seen this.
- The applicant is proposing to formalize and approve drainage and sewer easement situation.
- The 1972 agreement was a recent discovery from the staff perspective.
- Easements are required to be agreed to by City Council.
- If Planning Board approves, the applicant and public know the City Council is not required to grant easements.

All in favor. Motion passed. 7:0

There is a demolition permit pulled for the property. The Capitol Buffet building is over 50 years old therefore it was reviewed by the Historic Preservation Commission as part of their demolition delay process. The building was deemed not significant and approved for demolition.

Public Hearing: Minor Development. Application of Pizza Degree to open its restaurant with a drive through lane and parking. Assessor's Map 19, Lot 75. Located at 265 Western Avenue in the Regional Business District (CC).

Matt Nazar gave an overview of the project.

The restaurant is a permitted use, and can move forward without Planning Board review. This application is before the Board due to the approved drive through.

Tom:

- Is the Unicef building required to give up spaces to accommodate traffic flow?

Lionel:

- Three existing buildings on a poorly designed subdivision. Traffic flow wasn't thought out very much.
- Biggest issue access to and through site and allowing for drive through for the restaurant and for access for Prompto.
- Access delineation would help for directing folks.
- They do show the ability to stack the number of vehicles per ordinance.
- I think it is workable, but barely workable.

Jim Coffin, Coffin Engineering, Agent for Pizza Degree:

- There are lots of utility and access easements on these three properties.
- Existing entrance. 35 feet in width reduced by 7-1/2 feet to get an additional space. Entrance could be widened if a reduction of parking on site is allowed.
- Have been working with Kevin King of Prompto.
- Haven't been in touch with the Kennebec Chamber of Commerce.
- Perpendicular parking at Chamber will not fit anymore.

Spencer Ouellette, Pizza Degree:

-Pizza Degree is a concept new to Maine and New England. It's like a Subway. A customer says what they want on their pizza, the order is made, then placed in a 900 degree oven that can cook 14 pies at one time. It takes less than 3 minutes to bake a pie. I don't think there will be an issue with cars stacking up at the drive through. We have another restaurant. We want to work with Prompto so that everyone is at ease with the drive through lane. I want to redo the pavement in the rear of the building and restripe.

Pete:

- Would cars queued at Pizza Degree be in the way for exiting Prompto customers?

Jim Coffin:

- Yes, this is why Prompto is asking for paint hatching on the pavement.
- 14 cars are required for queuing

Matt:

- Typically a drive through requires 5 vehicles for queuing.
- A fast food/coffee establishment requires 14 vehicles for queuing.

Jim Coffin:

- All 22 proposed parking spaces are on Pizza Degree property.
- Spaces 'lost' at the former Unicef property are due to circulation for everyone.

Lionel:

-35 foot width existing entrance would allow for two entrance drives for queuing for Prompto and Pizza Degree.

Steve:

-Can parking be added behind the building?

Jim:

-A dumpster in that area that will probably remain there.

-Very steep slope behind existing parking.

Anyone in Favor or Against the Proposal?

Kevin King, Owner of Prompto:

-It doesn't make sense for our customers to cross the drive through lane twice.

-Prompto closes at 5:00. When they are busiest, we will be closed.

-We want to clean up our relationship with Pizza Degree and have the site plan reflect more of what we want.

-The recorded site plan for the Unicef building did not show that perpendicular parking.

-The As-Built site plan is not the same as the one at the registry of deeds. The Prompto building was built in a slightly different location.

-Passed out material to the board members for the recorded plan and the as-built plan.

-One of the passed out plans shows a modified drive through lane which meets the state requirements.

-We are accepting the drive through since he has a right to use his property.

-We think the site plan currently does not work for us.

Lee Lowry, Attorney for Prompto:

-Has one copy and an original of an affidavit from Paul Kaopthenasis, the president of Prompto nationally which sets out how Prompto runs their business, they offer a limited menu of services to turn customers over very regularly, and have a steady line of customers entering and exiting their property. They want their customers to receive a good service and not be inconvenienced. There are concerns about the current design devaluing their property.

-The notice was posted on September 1st which was not 10 days before the meeting. There hasn't been enough time to work with Pizza Degree about all concerns.

-AM peak hour is increasing 200% over prior use

-PM peak hour will increase 175% and is unsure it satisfies ordinance requirements.

-Concerns for safety for people circulating on the site

-The citing of the 14 car queue length might be in excess of what is required, and should probably be 5 cars.

-When Parcel 1 and 3 were sold off, there were specified easements for drainage, and broad easements about pass and repass over each other's properties. There is a deeded restriction about how these parcels are used.

-The Board should table this item until the next meeting to have these owners draw up agreements.

-The application as it sits does not satisfy the requirements of the ordinance and there was inadequate noticing.

Matt:

- This is not a conditional use; therefore there is no timeframe on noticing.
- The 5 vehicle queuing standard should be applied.
- The Planning Board can reduce parking by up to 50% of the standard if the applicant can demonstrate that reduced parking would need less. Shared parking could be acceptable.

Cecil Munsen, resident:

- The owners of the former Unicef building, the Kennebec Valley Chamber should be contacted.

Public Comment Complete.

Jim Coffin:

- A parking demand study was not completed because there is enough parking on site.
- If only 5 spaces are needed in the queue lane, we are OK with Kevin King's sketch.
- We want to get an approval tonight. If it were to be denied, would prefer to table.
- Have sewer and water letters.

Close Public Hearing, Open Planning Board Discussion.

Alison:

- Can't see how a drive through will work on this site for everyone concerned.

Corey:

- Tabling will allow for the Chamber to be part of the discussions as well.

Pete:

- There are too many unanswered questions.
- Things need to be in writing for clarity.
- He couldn't vote for it tonight.

Matt:

- I would like more time before the next meeting to get Assistant Planner up to speed and plan to take time off in early October. The meeting would be October 27th.

(9:09pm) Motion to Table to October 27th by Justin Poirier.

Second: Alison Nichols.

All in favor. 7:0

Short recess, reconvene at 9:15.

Public Hearing: Minor Development. Application of WK Enterprises, Inc, to construct a drive through lane for Dunkin Donuts at the North Augusta Market. Assessor's Map 1, Lot 41B. Located at 670 Civic Center Drive in the Rural Village District (RV).

Matt Nazar gave an overview of the project.

Lionel Cayer, City Engineer:

- Issues with filling and runoff along the wetland. Fill previously put in was never really sloped and is a highly erodible slope. It needs to be fixed to protect the wetland.
- Parking on the frontage in the break down lane which causes visibility issues for vehicles leaving the southern exit.
- The bypass lane for the drive through is an item to discuss.

Al Hodsdon, Hodsdon Engineering, Agent for the Applicant:

- It is a limited site in area.
- The applicant has been in negotiations with Dunkin Donuts for a while, and work hasn't been completed on site due to this.
- Contractors left the site before completing the work.
- A catchbasin is proposed with a riprap discharge to improve drainage and catch sand and salt from the parking lot.
- There is no possibility of a bypass lane on a site like this, there isn't enough space.
- Proposing is to take the parking on the southeast side and move those spaces to the back. 33 spaces are required and this plan will probably move to 35 when completed.
- Queuing for 14 plus vehicles.
- Diesel pumps can't be moved, but there is enough room for vehicles to take a sharp U-turn to get back onto the road.
- Visibility issue when large trucks park between the island and the pumps.
- Dunkin Donuts requires a traffic movement permit.
- Meeting with MDOT tomorrow about the traffic study completed 6 weeks ago.
- 6 spaces on the south of the site (for delivery area) and 5 spaces at the rear southern corner eliminated.

Jeff Damon:

- Memo submitted today at 4pm addressing parking concerns.
- Meeting with MDOT will require a turning lane which will change the configuration in front of the building eliminating most of the breakdown lane used as parking today.
- Signage in island could be added back to site.

Russell Damon:

- Lane striping would be similar to the Big Apple newly constructed on Riverside Avenue.
- An accident study has been done in front of the store, and we fall well within the guidelines of the standards.

Those in Favor or Against? None.

Public Hearing Closed.

Lionel Cayer:

- Anticipated left and right turn lane for this project to move forward.
- The breakdown lane will be reduced from 8 feet to approximately 4 feet.

Justin:

- There is no bypass lane for the drive through and the site layout doesn't work.

Alison:

- Feels the same way.

Matt:

- Previous approval required 24 spaces
- BIW employees parking there additionally. Increased from 24 spaces to 33 spaces.

Corey:

- Concern about the bypass lane is more of a safety than convenience concern.

Peter:

- If a Dunkin Donuts has inconvenient parking, customers have a choice to go elsewhere.

Matt:

- Plenty of room or accommodating the queue lane, question about how the queuing affects the on-site traffic flow.
- Modified plan has 35 spaces, 33 spaces required.

Jeff (?) Damon:

- It will not be used as a park and ride anymore.

(10:04pm) Motion by Alison Nichols: This is concerning the application of Jeffrey Damon for a Minor Development Review as per Section 4.5. The applicant proposes to add a Dunkin Donuts as a primary use within the existing building's footprint that will include a drive-thru. The project is located at 670 Civic Center Drive in the Rural Village (RV) District and is on Tax map 1, Lot 41B.

Findings of Fact:

1. The applicant submitted the documents necessary to complete the application in a timely fashion.
2. As required by our Land Use Ordinances, the City published notice of this public hearing in the Kennebec Journal.
3. As also required the City mailed notices of this public hearing to the owners of properties located within 1000' of this property.

Conclusions of Law:

The application at the present time does not meet the standards of 4.4.1 Criteria for Reviewing the Preapplication or 6.3.4 Site Plan Criteria Applicable for Conditional Use.

1. It does not meet the requirements of 6.3.4 (3) Traffic Pattern, Flow and Volume. With the current number of parking spaces delineated on the property, with parking that should not be taking place along the curb that abuts Route 27 and vehicles entering and exiting the gas pumps, a serious challenge faces customers presently utilizing the site.
2. It does not meet the requirements of 6.3.4(6) Performance Standards.
 - a. No evidence has yet been provided that shows the drive-thru can meet the noise standard of 60 dB at the property line.
3. The screening required by the May 22, 2012 approval was not fully installed; only half of the fence was constructed and that in the area where 15 of the required parking spaces were to be installed.
4. Due to the fact that fill material required at an earlier approval was not sufficiently stabilized, this fill material is actively eroding into the wetland. Therefore the property does not meet 6.3.4(5) Resource Protection and Environment, 4.4.1.1 Pollution or 4.4.1.4 Soil Erosion.

Since the project, as presented this evening, does not meet the standards of our Land Use Ordinance, I move to deny the application, without prejudice, with the understanding that when all of the problems that currently exist on the site are corrected to the satisfaction of the appropriate city staff members, the applicant may bring this proposal back before us for consideration.

Motion for denial.

Second: Justin Poirier.

Vote in favor is for denial. 6 in favor, 1 against.

The item is denied.

Minutes

Postponed minutes to next meeting.

Adjourn

Motion by Alison Nichols to adjourn at 10:17 pm.

Seconded by Steve Dumont.

Further Discussion. None.

All in favor. Motion passed. 7:0